

COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Division of Water Quality Programs
Ellen Gilinsky, Ph.D., Director

P.O. Box 10009

Richmond, VA 23240-0009

Subject: Guidance Memorandum Number 06-2008
Local Government Certification for New VPDES Permitted Landfills

To: Regional Directors

From: Ellen Gilinsky, Ph.D., Director



Date: June 29, 2006

Copies: Rick Weeks, Karen Sismour, Amy Owens, Deputy Regional Directors, Regional Water Permit Managers, Regional Water Compliance Managers, Kyle Winter, OWPP Staff

Summary:

The 2006 General Assembly enacted legislation (SB 106) which requires applications for new or modified VPDES permits (both individual and general) for new municipal solid waste landfills that discharge stormwater directly or indirectly into a local watershed protection district (that was established and designated as such by city ordinance prior to January 1, 2006) to contain a certification from the local governing body that the discharge is consistent with the city's ordinance that established and designated the local watershed protection district in order for the application to be considered complete. This requirement does not apply to any municipal solid waste landfill that was in operation on or before January 1, 2006. This requirement goes into effect on July 1, 2006.

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET, and for the general public on DEQ's website at <http://www.deq.virginia.gov/water>.

Contact information:

Please contact Burt Tuxford in the Office of Water Permit Programs at 804/698-4086 or brtuxford@deq.virginia.gov with any questions about the application of this guidance.

Disclaimer:

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.

The 2006 General Assembly enacted legislation (SB 106) that requires local government certification for new or modified VPDES municipal solid waste landfill permits that discharge stormwater into local watershed protection districts. The full text of the Act is given below. Note that the stormwater runoff discharge (direct or indirect) must be into a local watershed protection district that was established and designated as such by city ordinance prior to January 1, 2006. The City of Chesapeake has established such a district for the Northwest River; there may be others.

This Act applies to both new and modified individual VPDES permit applications and to new and modified coverage under VPDES general permits. The permit application or registration statement cannot be considered complete without this local government certification. The Act does not apply to any municipal solid waste landfill that was in operation on or before January 1, 2006.

This requirement goes into effect on July 1, 2006. The requirement will be added to the VPDES Permit Manual in the next update.

An example certification form is attached; however, it is not a requirement that an applicant use this form. Three sample letters are also attached: (1) for permittees requesting new or modified individual permit applications; (2) for permittees requesting new or modified coverage under a general permit; and (3) for individual applications or general permit registration statements that come in without the certification.

CHAPTER 478

An Act to require local certification for waste discharge permits into local watershed protection districts.

[S 106]

Approved March 31, 2006

Be it enacted by the General Assembly of Virginia:

1. That no application for a Virginia Pollutant Discharge Elimination System permit authorizing direct or indirect discharge of stormwater runoff from a new municipal solid waste landfill into a local watershed protection district established and designated as such by city ordinance prior to January 1, 2006, shall be considered complete unless it contains certification from the local governing body of the city in which the discharge is to take place, that the discharge is consistent with the city's ordinance establishing and designating the local watershed protection district. This section shall apply to applications for new or modified individual Virginia Pollutant Discharge Elimination System permits and for new or modified coverage under general Virginia Pollutant Discharge Elimination System permits. Nothing in this section shall apply to any municipal solid waste landfill in operation on or before January 1, 2006.

2. That the provisions of this act shall expire on July 1, 2026.

Local Government Certification Form for New Municipal Solid Waste Landfill Permits

SUBJECT: Local Government Certification Requirements

TO: Applicants for a New or Modified Individual VPDES Permit, or New or Modified VPDES General Permit Coverage for a New Municipal Solid Waste Landfill

The 2006 General Assembly enacted legislation (SB 106) that states:

"That no application for a Virginia Pollutant Discharge Elimination System permit authorizing direct or indirect discharge of stormwater runoff from a new municipal solid waste landfill into a local watershed protection district established and designated as such by city ordinance prior to January 1, 2006, shall be considered complete unless it contains certification from the local governing body of the city in which the discharge is to take place, that the discharge is consistent with the city's ordinance establishing and designating the local watershed protection district. This section shall apply to applications for new or modified individual Virginia Pollutant Discharge Elimination System permits and for new or modified coverage under general Virginia Pollutant Discharge Elimination System permits. Nothing in this section shall apply to any municipal solid waste landfill in operation on or before January 1, 2006."

In accordance with this section, applications for a new or modified individual VPDES permit, or new or modified coverage under a VPDES general permit for a new Municipal Solid Waste Landfill that discharges stormwater runoff (directly or indirectly) into a local watershed protection district that was established and designated prior to January 1, 2006, will not be considered complete until the certification statement is submitted to the Department of Environmental Quality Regional Office. Applicants may use the bottom of this page to transmit the request to the locality.

To: _____ Date: _____
(County, City, or Town Administrator/Manager)

I am in the process of completing an application for a new or modified individual VPDES permit, or new or modified coverage under a VPDES general permit for a new Municipal Solid Waste Landfill. In accordance with the Code of Virginia, I request that you sign one of the three statements certifying that the stormwater runoff discharges from the facility described on the attached permit application are or are not consistent with your local ordinance establishing and designating a local watershed protection district. Please return this form to me at:

(Applicant's address): _____

(PLEASE SEE THE REVERSE SIDE OF FORM FOR CERTIFICATION REQUIREMENTS)

**LOCAL GOVERNMENT CERTIFICATION FORM
FOR NEW MUNICIPAL SOLID WASTE LANDFILL PERMITS**

For a New or Modified Individual VPDES Permit, or New or Modified VPDES General Permit Coverage for a New Municipal Solid Waste Landfill Discharging Stormwater Runoff Into a Local Watershed Protection District

In reference to the request from:

Applicant's Name

For certification of a new municipal solid waste landfill discharging of stormwater runoff into a Watershed Protection District:

Name and Location of New Municipal Solid Waste Landfill

Name of the Watershed Protection District

I hereby certify (*check one*):

___ (1) That the stormwater runoff discharges from the new municipal solid waste landfill are consistent with the locality's ordinance establishing and designating the local Watershed Protection District.

OR

___ (2) That the locality did not adopted an ordinance establishing and designating a local Watershed Protection District prior to January 1, 2006.

OR

___ (3) That the stormwater runoff discharges from the new municipal solid waste landfill are **not** consistent with the locality's ordinance establishing and designating the local Watershed Protection District.

Signature

Title

Printed Name

Date

Sample Letter #1 - New or Modified Individual Permit Application Transmittal Letter for a New Municipal Solid Waste Landfill

Regional Office Letterhead

(DATE)

(OWNER'S ADDRESS)

RE: VPDES Permit Application for a New Municipal Solid Waste Landfill

Dear _____ :

In response to your request, enclosed are copies of the appropriate Virginia Pollutant Discharge Elimination System (VPDES) permit application forms and instructions. The application forms must be signed by the owner, a partner, an executive officer, or a ranking elected official, according to the application instructions. If you would like to request a waiver from any of the sampling or testing requirements in the application forms, please contact me prior to submitting your application or provide a thorough justification for the request when you submit your application. A complete application for this facility will consist of the following:

[List forms required - see below]

Upon completing the application, return the original and four copies to the DEQ [_____] Regional Office at the above address.

In addition, if there are or will be stormwater runoff discharges (direct or indirect) from the facility into a local Watershed Protection District that was established and designated prior to January 1, 2006, the application will not be considered complete until we receive a certification from the locality stating that the discharges are consistent with the locality's ordinance establishing and designating the local Watershed Protection District. A form is included for this certification.

Also, we must receive the appropriate permit fee before we can process your application. The fee is [\$ _____ or **shown on the back of the enclosed Permit Application Fee form**]. Please follow the instructions on the form concerning payment of the fees.

Please call me at (XXX) XXX-XXXX if you have any questions.

Sincerely,

[Permit Writer]

Enclosures

(Note to Permit Writers - Include with this letter a copy of all applicable application forms, the VPDES Permit Application Fee Form, the VPDES Permit Application Addendum, the Paperwork Reduction Act notice, the list of common application errors, the Pollution Prevention Flyer, and the Local Government Certification Form for Municipal Solid Waste Landfill Permits.)

***Sample Letter #2 - New or Modified Industrial Storm Water General Permit Coverage
Transmittal Letter for a New Municipal Solid Waste Landfill***

Regional Office Letterhead

(DATE)

(OWNER'S ADDRESS)

RE: VPDES Industrial Storm Water General Permit Registration for a New Municipal Solid Waste Landfill

Dear :

In response to your request, enclosed is a copy of the Virginia Pollutant Discharge Elimination System (VPDES) Industrial Storm Water General Permit Registration Statement form and instructions. The registration statement form must be signed by the owner, a partner, an executive officer, or a ranking elected official, according to the application instructions.

Upon completing the registration statement, return the original to the DEQ [] Regional Office at the above address.

In addition, if there are or will be storm water runoff discharges (direct or indirect) from the facility into a local Watershed Protection District that was established and designated prior to January 1, 2006, the application will not be considered complete until we receive a certification from the locality stating that the discharges are consistent with the locality's ordinance establishing and designating the local Watershed Protection District. A form is included for this certification.

In addition, we must receive a permit application fee before we can process your Registration Statement. The Industrial Storm Water General Permit registration fee is \$500.00. Please follow the instructions on the form concerning payment of the fee.

Please call me at (XXX) XXX-XXXX if you have any questions.

Sincerely,

[Permit Writer]

Enclosures

(Note to Permit Writers - Include with this letter a copy of the VPDES Industrial Storm Water registration statement form, the VPDES Permit Application Fee Form, and the Local Government Certification Form for Municipal Solid Waste Landfill Permits.)

**Sample Letter #3 - New Municipal Solid Waste Landfill Application or Registration Statement
Comment Letter to Owner - Missing Local Government Certification**

Regional DEQ Letterhead

DATE

(OWNER'S ADDRESS)

RE: Facility Name

Dear :

This is to advise you that your *[application or registration statement]* for a VPDES *[Permit or Industrial Storm Water General Permit]* is considered incomplete. Permit applications for new municipal solid waste landfills from which there are or will be storm water runoff discharges (direct or indirect) into a local Watershed Protection District that was established and designated prior to January 1, 2006, are not considered complete until we receive a certification from the locality stating that the discharges are consistent with the locality's ordinance establishing and designating the local Watershed Protection District. A form is included for this certification.

If you have any questions about this letter, please call me at (XXX) XXX-XXXX.

Sincerely,

[Permit Writer]

(Note: Permit writers may combine the requirements of this letter with the standard "application incomplete" letter from the VPDES Permit Manual.)